

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

TYNIKA MUNN and BEAU OARE, )  
Each Individually and on Behalf )  
of All Others Similarly Situated )

Plaintiffs,

V.

Case No: 3:22-cv-512-REP

SWEETIE BOY )  
TRANSPORTATION, LLC )

Defendant.

## JOINT STATUS REPORT

CAME THIS DAY Plaintiffs Tynika Munn and Beau Oare (“Plaintiffs”) and Defendant, Sweetie Boy Transportation, LLC, (“Defendant”) (“Parties”), by counsel, and pursuant to this Court’s Order dated January 20, 2023 (ECF No. 17), hereby state the following as their Joint Status Report to the Court:

1. On or about July 21, 2022, Plaintiffs file the present suit alleging Defendant violated the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), the Virginia Overtime Wage Act, Va. Code § 40.1-29.2, *et seq.* (“VOWA”), and the Virginia Minimum Wage Act, Va. Code § 40.1-28.8, *et seq.* (“VMWA”) by failing to pay Plaintiffs and similarly situation individuals overtime premium hours for hours worked in excess of forty hours per week and failure to pay the minimum wage.

2. Defendant filed its Answer on November 4, 2022.

3. On November 30, 2022, the Court issued its Scheduling Order (ECF No. 11).

4. The same date, the Parties submitted to the Court a Joint Stipulation Regarding Certification of collective action members (ECF No. 12).

5. After submitting this Joint Stipulation, the Parties began to engage in discovery. They exchanged Rule 26(a)(1) Disclosures. Plaintiffs issued their initial discovery requests on December 2, 2022. Defendants issued their initial request to Plaintiffs the same day.

6. In the meantime, additional plaintiffs began opting into the present suit. Defendant issued discovery requests to the first few plaintiffs who opted in. Initially, only a few plaintiffs opted into the suit, so Defendant was able to issue discovery to each plaintiff as they opted in. Soon, however, the rate of opt-ins became voluminous, making issuing individual discovery requests to each plaintiff impractical.

7. On or about January 17, 2023, the Court conducted an initial pretrial conference with the parties. As a result of this conference, the Court referred the Parties to a settlement conference with Magistrate Judge Colombell. Initially, this settlement conference was scheduled for May 19, 2023.

8. The Court also requested that the Parties provide this Status Report by May 15, 2023.

9. On January 20, 2023, the Court issued a Consent Order setting the schedule for notices of the collective action to be sent to potential eligible plaintiffs and the deadline for those plaintiffs to opt in. *See* ECF No. 16. That Order allowed plaintiffs until April 27, 2023 to opt in to the present suit.

10. Counsel for Defendant promptly provided counsel for Plaintiffs with the contact information for approximately 470 potential plaintiffs pursuant to the Court's Order, and counsel

for Plaintiff promptly sent out notice. Counsel for Plaintiff also sent out the Reminder Notice pursuant to the Consent Order.

11. The opt-in period closed on April 27, 2023. During the opt-in period, a total of 113 plaintiffs joined the present suit.

12. Also, during the opt-in period, the Parties continued to exchange discovery information. For example, on February 16, 2023, Defendant produced 468 total documents to Plaintiffs in response to their discovery requests. Defendant also issued batch discovery requests to approximately sixty (60) opt-in plaintiffs, and are in the process of preparing discovery requests to the remaining plaintiffs who opted in prior to the end of the opt-in period. Defendants also are working to supplement their initial discovery responses to provide information in its possession as to the new plaintiffs.

13. In that regard, Defendant has been diligently working with its payroll provider, timekeeping software provider, and safety/drivetime monitoring software provider to isolate and extract the pay and time records for all plaintiffs who have opted into the present suit. Given the number of plaintiffs who have consented to opt into this lawsuit, this has proven to be a more time-consuming task than anticipated.

14. Further complicating matters, the attorney initially representing Plaintiffs has recently made a career change and is no longer managing this case; and replacement attorneys were only recently brought into the case.

15. With the size of the class, the difficulty extracting the data, and the recent change in counsel, the Parties did not feel that they would be ready for a productive settlement conference on May 19, 2023. Consequently, they respectfully requested a continuance until July 17, 2023, and Judge Colombell graciously granted that request.

16. The Parties believe that by that date, all written discovery will have been exchanged, all pertinent pay and time records will be provided, and the Parties will generally be able to have productive settlement discussions.

17. Additionally, the Parties do not anticipate that the continuance of the settlement conference will delay any other deadlines set forth in the Court's Scheduling Order. Indeed, the Parties believe that this continuance will only increase the likelihood of settlement, removing the case from the Court's docket.

Respectfully submitted,  
**SWEETIE BOY TRANSPORTATION,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of May 2023, I electronically filed the foregoing Status Report with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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